

598.12A Attorney for minor child.

1. The court may appoint an attorney to represent the minor child or children of the parties. If appointed under [this section](#), the child's attorney shall be solely responsible for representing the minor child or children. The child's attorney shall be independent of the court and other parties to the proceeding and shall be unprejudiced and uncompromised in the attorney's independent actions.

a. Unless otherwise enlarged or circumscribed by a court having jurisdiction over the child or by operation of law, the duties of an attorney with respect to a child shall include all of the following:

(1) Conducting an initial in-person interview with the child, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child if authorized by the person's legal counsel.

(2) Maintaining regular contact with the child.

(3) Interviewing any person providing medical, mental health, social, educational, or other services to the child, as necessary to advance the child's interests.

(4) Obtaining knowledge of facts, circumstances, and the parties involved in the matter as necessary to advance the child's interests.

(5) Attending any depositions, hearings, and trials in the matter and filing motions or responses or making objections when necessary. The child's attorney may cause witnesses to appear, offer evidence on behalf of the child, and question witnesses. The child's attorney may offer proposed or requested relief and arguments in the same manner allowed the parties by the court. However, the child's attorney shall not testify, serve as a witness, or file a written report in the matter.

b. The order appointing the child's attorney shall grant authorization to the child's attorney to interview any relevant person and inspect and copy any records relevant to the proceedings, if not prohibited by federal law. The order shall specify that the child's attorney may interview any person providing medical, mental health, social, educational, or other services to the child; may attend any meeting with the medical or mental health providers, service providers, organizations, or educational institutions regarding the child, if deemed necessary by the child's attorney; and may inspect and copy any records relevant to the proceedings. The parent, guardian, or other person having custody of the child shall immediately execute any release necessary to allow the child's attorney to effect the authorization granted under this paragraph.

2. The same person shall not serve as both the child's guardian ad litem and the child's attorney, nor shall the same person serve as both the child and family reporter and as the child's attorney.

3. The court shall enter an order in favor of the child's attorney for fees and disbursements as submitted by the child's attorney, and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for court costs is indigent, in which event the amount shall be borne by the county.

[2017 Acts, ch 43, §3](#)

Referred to in [§598.10](#)